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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,738	08/19/2003	Thierry Rogelet	107134.01	3819
25944	7590	12/11/2003	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				BARROW, JAMES G
		ART UNIT		PAPER NUMBER
		3749		

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/642,738	ROGELET, THIERRY
	Examiner	Art Unit
	James G. Barrow	3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 August 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-7 and 9 is/are allowed.

6) Claim(s) 8 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 19 August 2003 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8/19/2003. 6) Other: ____ .

DETAILED ACTION

Priority

This application filed under former 37 CFR 1.60 lacks the necessary reference to the prior application. A statement reading "This is a continuation of Application No. 09/646,222, filed August 7, 2001." should be entered following the title of the invention or as the first sentence of the specification. Also, the current status of all nonprovisional parent applications referenced should be included.

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/646,222, filed on August 7, 2001. ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show "an alternative embodiment ... to provide the operating button 11 without its own spring 15 bit in a way which relies entirely on the biasing force of the piezo spring (not shown)" (P: 4, L: 10-13) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: In figure 1 reference signs 28, 29, and 55 are not in the specification. In figure 2 reference signs 28A, 29, and 55A are not in the specification. A proposed drawing

correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to because in figure 2 "projections 18 on one of the elements 13-14" (P: 6, L: 13) shown a leader line pointing to only one of the projections and only element 13 of elements 13-14. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to because in figure 3 reference sign "26A" has a leader line that points to piezoelectric element 14. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83 (b) because they are incomplete. 37 CFR 1.83 (b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. The figures do not illustrate how the "gas flows to the end of the nozzle assembly 45" (P: 4, L: 21) or how "compression of the to elements 13 and 14 of the piezo-electric

mechanism 13-14 together and the generation of a spark at the end of the nozzle assembly 45" (P: 4, L: 24-26).

Specification

The disclosure is objected to because of the following informalities: The numeral 40 is described as "a gas container" (P: 3, L: 24) and as a "gas bottle" (P: 4, L: 2). The numeral 12 is described as "a bore" (P: 4, L: 5) and as a "control rod" (P: 6, L: 16). The numeral 26 is disclosed as "a lock/release arm" (P: 5, L: 1-2) and as "a lever extension" (P: 6, L: 21-22). The numeral 31 is disclosed as "a lever" (P: 6, L: 21) and as a "safety number" (P: 6, L: 25). In lines 10-17, of page 6, Applicant should describe all "A" parts and how they work. In lines 19-28, of page 6, Applicant should describe all "B" parts and how they work.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 8 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the safety member engaging stop element 16, does not reasonably provide enablement for the safety member to engage piezo-element 13-14. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The amount of direction provided by the

inventor in the disclosure and drawings does not provide support for the safety member contacting the piezo-element and therefor would require undue experimentation.

Allowable Subject Matter

Claims 1-7 and 9 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tsai (5,741,128) discloses a piezoelectric element that operates at an angle to the axis, but does not have a spring-loaded safety member. Frigiere et al (6,382,960), Doucet et al (6,077,070), LaForest et al (5,854,530), and Meury et al (5,262,697) disclose the piezoelectric element in the operating member, but does not engage a fixed stop.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G. Barrow whose telephone number is (703) 305-5427. The examiner can normally be reached on M-F, 9:30 A.M.-6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on (703) 308-1935. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

Application/Control Number: 10/642,738

Page 6

Art Unit: 3749

James Barrow
James Barrow



Rita S. Lazarus
Supervisory Patent Examiner
Group 3700